

MINUTES

INDIANA STATE BOARD OF DENTISTRY

JANUARY 9, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Williams called the meeting to order at 9:00 a.m. in the Professional Licensing Agency Conference Room W064, Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 15-5-1.1-6(c).

Board Members Present:

Galen Williams, D.D.S., President
Jill Burns, D.D.S., Vice President
Laverne Whitmore, L.D.H., B.S.
Richard T. Newton, D.D.S.
Gary Haller, D.D.S.
Theodore Rokita, D.D.S.
Philip Catey, D.D.S.
Charles Heape, D.D.S.
Clance LaTurner, Consumer Member

Board Members Absent:

Matthew Miller, D.D.S., Secretary
Steven Hollar, D.D.S.

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Kristine Yarde, Assistant Board Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional Licensing Agency
Liz Brown, Deputy Attorney General, Office of the Attorney General

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HALLER/LaTURNER
Motion carried 8-0-0
Dr. Heape was not present

III. ADOPTION OF THE MINUTES FROM THE DECEMBER 5, 2008 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes of the December 5, 2008 meeting of the Board.

WHITMORE/ROKITA
Motion carried 8-0-0
Dr. Heape was not present

IV. APPEARANCES

A. PROBATIONARY

1. James Cahillane, D.D.S., License No. 12007586A
Administrative Cause No. 2004 DB 0006

Dr. Cahillane appeared before the Board, as requested, regarding his ongoing probationary status. He advised things are going well. The Board had no concerns.

2. Penelope Lynn Dunlap, D.D.S., License No. 12009890A
Administrative Cause No. 2005 DB 0010

Dr. Dunlap appeared before the Board, as requested, regarding her ongoing probationary status. Dr. Dunlap appeared with Counsel, Tony Krause. Dr. Williams recused himself from participating in her probationary appearance. The Board noted that Dr. Dunlap's Probationary Order requires her to complete twenty (20) hours of community service per year. The Community service was to include writing an article and discussing Respondent's conduct before senior year dental students. The Board requested Dr. Dunlap to submit a copy of the outline of her presentation that she submitted to the Dean of the dental school for the presentation. The Board also requested that Dr. Dunlap submit a copy of the article for review. Upon reviewing what Dr. Dunlap had submitted they told her what she wrote was not what they had in mind. The Board feels that an alternative approach is necessary in order for Dr. Dunlap to understand her errors and change her ways. Dr. Dunlap was told she would be contacted by Dr. Hollar and arrangements will be made with Dr. Garetto to set her up with an ethics mentor at the dental school. Dr. Garetto wrote a letter to the Board explaining he felt an ethical mentorship can help sanctioned professionals develop a better understanding and practice of the ethics of their profession. Dr. Dunlap was told she would be given guidance on writing the article working with this mentor and she agreed to this mentorship. Advisory Counsel noted Dr. Dunlap's probation order does not have to be modified for the Board to allow this alternative.

3. Daniel J. Fink, D.D.S., License No. 12007602A
Administrative Cause No. 2006 DB 0006

Dr. Fink appeared before the Board, as requested, regarding his ongoing probationary status. Dr. Ruthie Jimerson also appeared before the Board, as requested, regarding her role as an on-site supervising monitor to Dr. Fink. Dr. Fink reported he is not taking any prescription medications and there has been no change with his contact information. The Board explained to Dr. Jimerson that they have some issues with her monthly supervisory reports. The Board explained that there are specific questions listed in Appendix A of Dr. Fink's Probationary Order which must be addressed with each monthly report she submits. The Board has received two reports thus far, neither of which addressed these questions. The Board noted that she has sent in some customer survey/comment cards and that although it is well and good to send those they are not required by the Order. It was suggested that if she wishes to send in survey/comment cards in addition to the report that perhaps more information should be included. Given the number of cards received the Board questioned the dates of service and the number of patients Dr. Fink is seeing because it is possible that only the good comment cards are being submitted to the Board. Dr. Jimerson stated she would review the probationary order again and make sure her future reports contain that information. The Board asked Dr. Jimerson if she has been disciplined in another state. Dr. Jimerson explained she entered into a Consent Order with the Michigan Dental Board on June 19,

2008. Dr. Jimerson stated the allegation was that she improperly delegated procedures to her dental assistants. The Michigan Dental Board Ordered Dr. Jimerson to retake and pass the Michigan Jurisprudence Ethics and Risk Management examination, complete one (1) year of Probation, pay all costs of the proceedings, and pay a Fine in the amount of one thousand dollars (\$1,000.00). Dr. Jimerson told the Board she did not delegate the duties to her assistants as stated within the Order but she chose not to argue the allegations and accept whatever punishment the Board felt necessary.

4. Christopher Leonard, D.D.S., License No. 12009363A
Administrative Cause No. 2005 DB 0002

Dr. Leonard appeared before the Board, as requested, regarding his probationary status. The Board told him they have not received reports from his monitor for November and December. Dr. Leonard stated he was shocked to hear that and was not aware they had not been sent but he would see to it that they were. Dr. Leonard explained his monitor is randomly pulling the patient charts to be reviewed. He stated he has had no change in medications and his wife has not been in his office. Dr. Leonard told the Board he is going through Chapter 11 reorganization but so far is staying afloat.

5. Edward T. Mamaril, D.D.S., License No. 12008594A
Administrative Cause No. 2008 ISDB 0001

Ms. Vaught advised Dr. Mamaril will not be appearing and his probation appearance has been rescheduled.

6. Trevor Treasure, D.D.S., License No. 12010719A
Administrative Cause No. 2007 ISDB 0002

Dr. Treasure appeared before the Board, as requested, regarding his ongoing probationary status. The Board told him they had received a letter from Clarian about the revocation of his privileges there, the Wellness Program report, but they have not received a report from Dr. Moe. The Board advised him to have his report from Dr. Moe sent as soon as possible. Dr. Treasure said he would address this with Dr. Moe later that day. The Board advised they had not received a December report from Dr. Bennett at IUSD. Dr. Treasure advised he has been out of town. Dr. Treasure stated he works solely at IUSD and that his DEA registration was returned to him January 5, 2009. He submitted his controlled substance log to the Board and they reviewed it and found it to be acceptable.

B. APPLICATION

There were no application appearances before the Board.

C. RENEWAL

1. Robert Angerman, D.D.S., License No. 12006470A

Dr. Angerman applied for the renewal of his dental intern permit as well as the renewal of his dental license. His dental intern permit expired on January 4, 2009 and his dental license expired on March 1, 2000. He went over his medical history with the Board and what he has done since that time. Dr. Angerman has completed the required number of continuing education hours and paid the renewal fee. He explained he has other employment opportunities outside of

teaching at IU Northwest and he would like an active license instead of the dental intern permit so he can explore all options. Dr. Angerman explained the kind of work he has done with the dental intern permit and stated he has kept up to date with current practices.

Board Action: A motion was made and seconded to renew Dr. Angerman's dental license.

HALLER/NEWTON
Motion carried 9-0-0

V. ADMINISTRATIVE HEARINGS

- A. **State of Indiana v. Tammy M. Bacon, L.D.H., License No. 13005564A**
Administrative Cause No. 2008 ISDB 0005
Re: Request for Modification of Probation

Parties and Counsel Present:

Respondent was present and was not represented by Counsel
Mark Mader, Deputy Attorney General for the State of Indiana
Sherri Rutledge, Court Reporter

Participating Board Members:

Dr. Williams (Hearing Officer)
Dr. Burns
Dr. Newton
Dr. Catey
Dr. Haller
Dr. Rokita
Dr. Heape
Ms. LaTurner

*Ms. Laverne Whitmore, L.D.H., B.S. recused herself

Case Summary: The Respondent petitioned the Board for a hearing to modify a term of her probation. One term of the Probationary Order dated May 29, 2008 states that the Respondent shall enroll and sign a contract with a wellness program approved by the Board within thirty (30) days of the date of decision. The Respondent had been attending group counseling and one-on-one counseling at Alpha Resources but told the Board she cannot afford this program any longer. The Respondent said she discussed with her counselor about going through AA because it is free and she has never done the program before. She stated her counselor felt it was a good idea and she would go to AA for group counseling but continue her one-on-one counseling at Alpha Resources. The Respondent suggested a sponsor at AA could inform the Board of her attendance at the meetings. The Respondent stated she started attending AA meetings in the hopes the Board would accept this alternative and she feels it will be beneficial because the people who attend meetings want to be there. The State voiced concerns about how the Board can monitor her in an AA program because there is no contract for her to sign. AA is not structured like a treatment program and does not have to report to the Board the way a treatment program would. Furthermore the State has concerns given the Respondent's past history with the Board.

Board Action: A motion was made and seconded to modify the Respondent's Probationary Order to require she attend two (2) AA meetings per week and have written proof of her attendance sent monthly or she can bring it with her when she appears. She must submit a standing order from a physician for random urine drug screens. She must have Jerry Parker of Alpha Resources verify her attendance and progress monthly for her individual counseling and that report must be received prior to the Board meeting. Immediately prior to the Respondent requesting lift of Probation a negative drug screen will be required.

BURNS/CATEY
Motion carried 8-0-0

VI. SETTLEMENT AGREEMENTS

There were no settlement agreements before the Board.

VII. NOTICE OF PROPOSED DEFAULT

There were no Notices of Proposed Default before the Board.

VIII. OLD/NEW BUSINESS

There was no old/new business

IX. DISCUSSION

There were no items for discussion

X. APPLICATION REVIEW

A. Endorsement

1. Sharyn Lee Gallaway, L.D.H.

The Board reviewed Ms. Gallaway's application file by endorsement. Ms. Gallaway is a 1966 graduate of Forsyth School for Dental Hygienists and completed her National Boards in May of 1966. She is currently licensed in the state of California and holds an expired license in Pennsylvania, Massachusetts and Illinois. Ms. Gallaway does not have proof of practice of two (2) of the last five (5) years which is required to qualify for licensure as a dental hygienist by endorsement. Based upon information from Ms. Gallaway she was working as a temporary in California when she was living in Arizona. She did not state how many weeks or hours per week she was employed in California. She never applied for a license in the state of Arizona where she was resident. The Board determined that since she does not meet the practice experience as stated, Ms. Gallaway will need to retake and pass all parts of a regional clinical examination then reapply by examination.

Board Action: A motion was made and seconded to deny Ms. Gallaway's application for a dental hygiene license by endorsement.

ROKITA/LaTURNER
Motion carried 9-0-0

2. Keith Steven Rottman, D.D.S.

The Board reviewed Dr. Rottman's application file by endorsement. Dr. Rottman is a 1983 graduate from the University of Michigan. He has taken and passed the National Boards in 1981 and 1982 and the North East Regional Board of Dental Examiners (NERB) in 1983. He is currently licensed in the states of Michigan, Ohio and Illinois. Dr. Rottman had a positive response on his application for two malpractice settlements in 1991 and 2006. The Board reviewed the documentation and noted he has no disciplinary actions.

Board Action: A motion was made and seconded to grant Dr. Rottman a dental license upon passing the law examination.

HEAPE/LaTURNER
Motion carried 9-0-0

3. Keith L. Little, D.D.S.

The Board reviewed Dr. Little's application file by endorsement. Dr. Little is a 1981 graduate of the University of Nebraska. He has taken and passed the National Boards in 1979 and 1980 and the Central Regional Dental Testing Service Examination (CRDTS). Dr. Little had a positive response on his application for two malpractice settlements, one in 1992 which was dismissed and one in 2002 which was settled. The Board reviewed the documentation.

Board Action: A motion was made and seconded to grant Dr. Little a dental license upon passing the law examination.

CATEY/ROKITA
Motion carried 9-0-0

B. Examination

There were no examination applications to review.

C. Anesthesia and Sedation Permits

There were no anesthesia permits to review.

D. Dental Intern Permit

There were no dental intern permits to review.

E. Mobile Dental Facility

There were no mobile dental facility applications to review.

F. Instructors License

There were no instructors' license applications to review.

G. Professional Corporations

There were no professional corporation applications to review.

XI. RENEWALS

There were no renewals.

XII. PROBATIONARY/CONDITIONAL LICENSE REPORT

A. Teresa Goodman, D.D.S.

Dr. Haller reviewed Dr. Goodman's probationary file. Her report from the Indiana Dental Well Being Program for December 2008 was reviewed and accepted. Her report from her work site monitor, Charles H. Miller, D.D.S. was reviewed. Dr. Goodman's next appearance will be on March 6, 2009.

B. Bland Pope Walker, D.D.S.

Dr. Haller reviewed Dr. Walker's probationary file. His report from the Indiana Dental Well-Being Program for December 2008 was reviewed and accepted.

C. Edward Mamaril, D.D.S.

Dr. Haller reviewed Dr. Mamaril's probationary file. Dr. Mamaril submitted his controlled substance report and a statement that he has called in or wrote all prescriptions for narcotics. According to his probationary order he is required to call in or write all prescriptions himself. The Board stated they will speak to Dr. Mamaril regarding this issue at his next appearance on March 6, 2009.

XIII. CONTINUING EDUCATION

There were no continuing education applications to review.

XIV. REPORTS

1. Dr. Williams talked to the board members about bringing in laptops to avoid copying agendas and saving paper and money. The consensus among the Board was that they would be willing to do this. Dr. Williams asked Ms. Vaught to email a copy of the law and email the agenda in word and in a new format of individual files.
2. Ms. Vaught reported several changes being made by the State and the Indiana Professional Licensing Agency in an effort to cut costs and save money. The Board was told about the discontinuation of large wall certificates and pocketcard licenses. The new online digital certification system for license verifications to other states. She also stated that the number of board meetings possibly being reduced if possible. The Board agreed to cancel the February 13, 2009 meeting. The Board was also asked to consider voluntarily waiving all or part of their travel and/or claim money. Dr. Burns, Dr. Williams, Dr. Newton, and Ms. Whitmore all offered to waive their travel money.
3. Ms. LaTurner stated she would create a new contact list for the board members which will include the names of their spouses.
4. Dr. Burns reported on the mock meeting held at IUSD on December 5, 2008. She stated that it went very well. Many of the students asked questions concerning licensure and laws and they got great feedback from the faculty. Dr. Burns also mentioned her conversation with Dr. Garetto about ethical mentorship's. Dr. Garetto informed her they have 2 faculty members who are trained in ethics and can mentor dentists if the Board would make such a request. Dr. Burns would like to create a subcommittee on ethics to ensure

clarity about what information is being put out. Dr. Burns also discussed the fact that some of the applicants this May and June may be students who were disciplined by IUSD. These applicants may have been punished because they were actively involved or just did not report what they knew. She wanted to know what the ramifications might be for these applicants. Ms. Vaught explained the Board will not know who these students are unless IUSD puts it on their transcript because there are no questions on the application for licensure they would have to answer "yes" to with regards to having been punished while in school. This issue should not affect their licensure because the Board should trust that the school used their best judgment when handling the offense and allowing the students to continue on to graduation.

XVI. ASSOCIATION REPORTS

A. Indiana Dental Association

The IDA reported they hired a new Communications Director, Kelly Sharp.

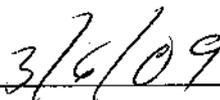
B. Indiana Dental Hygiene Association

The IDHA did not give a report but Angie Brothers introduced herself to the Board as the new liaison.

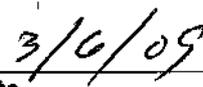
XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana State Board of Dentistry adjourned at 12:00 p.m.


Galen Williams, D.D.S., President


Date


Matthew Miller, D.D.S., Secretary


Date